

**Executive Summary – Enforcement Matter – Case No. 40725**

**Zapata County**

**RN102078391**

**Docket No. 2010-1950-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Zapata County Water Works WWTP, located approximately 0.5 mile east of United States Highway 83 on Third Avenue, Zapata, Zapata County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** July 15, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$74,860

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$74,860

Name of SEP: Pedernales Road Water Line Project

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 40725**

**Zapata County**

**RN102078391**

**Docket No. 2010-1950-MWD-E**

***Investigation Information***

**Complaint Date(s):** March 25, 2010 and July 12, 2010

**Complaint Information:** Alleged that a manhole repeatedly discharged sewage into a creek.

**Date(s) of Investigation:** August 5, 2010 and March 31, 2010

**Date(s) of NOE(s):** May 27, 2010 and October 15, 2010

***Violation Information***

1. Failed to comply with permitted effluent limits for 5-day carbonaceous biochemical oxygen demand, ammonia nitrogen, total suspended solids, and dissolved oxygen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010462001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6].
2. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009 by September 1, 2009 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010462001, Sludge Provisions].
3. Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010462001, Operational Requirements No. 4].
4. Failed to properly complete chain of custody forms ("COCs") [30 TEX. ADMIN. CODE § 319.7(a)].
5. Failed to report unauthorized discharges to the TCEQ within 24 hours (either orally or by fax) and within five days (written report) of the occurrence [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010462001, Monitoring and Reporting Requirements No. 7.a.].
6. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, resulting in discharge of partially treated wastewater to water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0010462001, Permit Conditions No. 2.d.].
7. Failed to properly operate and maintain the collection system [30 TEX. ADMIN. CODE §§ 305.125(1) and 317.7(e)(5), and TPDES Permit No. WQ0010462001, Operational Requirements No. 1].
8. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0010462001, Permit Conditions No. 2.g.].

**Executive Summary – Enforcement Matter – Case No. 40725**  
**Zapata County**  
**RN102078391**  
**Docket No. 2010-1950-MWD-E**

9. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0010462001, Permit Conditions No. 2.g.].

10. Failed to report unauthorized discharges to the TCEQ within 24 hours (either orally or by fax) and within five days (written report) of the occurrence [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010462001, Monitoring and Reporting Requirements No. 7.a.].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

- a. By April 2, 2010, submitted the annual sludge report for the monitoring period ending July 31, 2009; and
- b. By May 5, 2010:
  - i. Repaired all non-functioning alarms on Lift Station Nos. 10, 13, 17, and 19;
  - ii. Repaired the weirs in Clarifier Nos. 1 and 2;
  - iii. Cleaned the chlorine contact chamber;
  - iv. Removed and properly disposed of sludge from the receiving stream;
  - v. Submitted corrected COCs to the TCEQ Laredo Regional Office; and
  - vi. Submitted noncompliance notifications for the two unauthorized discharges that occurred on March 23, 2010.

**Technical Requirements:**

- 1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
- 2. The Order will also require the Respondent to:
  - a. Within 30 days:

**Executive Summary – Enforcement Matter – Case No. 40725**  
**Zapata County**  
**RN102078391**  
**Docket No. 2010-1950-MWD-E**

i. Remove and properly dispose of the grease and sewer debris around the manhole and the adjacent stream located on 19<sup>th</sup> Street and Mier Street and located between 3<sup>rd</sup> Street and 4<sup>th</sup> Street one block south of Bandera Avenue, near Lift Station No. 13; and

ii. Update the Facility's operational guidance and conduct employee training to ensure timely submittal of signed and certified annual sludge reports and noncompliance reports, and all COCs are properly completed.

b. Within 45 days, submit certification of compliance with Ordering Provisions a.i. and a.ii.;

c. Within 90 days:

i. Provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures; and

ii. Submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010462001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitation.

d. Within 105 days, submit written certification demonstrating compliance.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-4495

**Respondent:** The Honorable Joe Rathmell, County Judge, Zapata County, 200 East 7th Street, Suite 115, Zapata, Texas 78076

**Respondent's Attorney:** N/A

**Attachment A**  
**Docket Number: 2010-1950-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Zapata County
<b>Penalty Amount:</b>	Seventy-Four Thousand Eight Hundred Sixty Dollars (\$74,860)
<b>SEP Offset Amount:</b>	Seventy-Four Thousand Eight Hundred Sixty Dollars (\$74,860)
<b>Type of SEP:</b>	Custom
<b>Project Name:</b>	<i>Pedernales Road Water Line Project</i>
<b>Location of SEP:</b>	Zapata County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

Respondent shall install water lines and provide first-time water service to approximately five low-income residences located in the Falcon Rural Water Supply Corporation area on Pedernales Road in Zapata County (the "Project"). The Project will begin at the intersection of Highway 83 and Pedernales Road and proceed east for 5 miles on Pedernales Road. The SEP Offset Amount will be used to purchase materials, supplies, and equipment necessary to complete the Project and for the testing and service connection fees for each of the residences. Zapata County will provide, at its own cost, the construction labor. Falcon Rural Water Supply Corporation is not under an enforcement action, and the proposed water line is not within the Zapata County Waterworks CCN.

The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations. Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to do this project and that it is being done solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

The SEP will provide a discernable environmental benefit by providing residences in the Falcon Rural Water Supply Corporation with a source for potable water. Some residents are relying on well-water with high levels of salinity, and other residents must haul water from town in storage tanks.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete this Project.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

**3. Records and Reporting**

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions taken to begin the project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made on the project during the previous 60-day period and setting forth a schedule for achieving completion of the project within the time-frame required in Section 2, *Performance Schedule*, above. Thereafter, Respondent shall submit progress reports to the TCEQ in the following increments and containing detailed information as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions taken during previous 60-day period to implement the project
180	Actions taken during previous 90-day period to implement the project
270	Actions taken during previous 90-day period to implement the project
365	Notice of SEP completion

B. Final Report

Within 60 days after completion of SEP, and not later than 425 days after the effective date of the Agreed Order, Respondent shall submit a Final Report to the TCEQ, which included:

1. Itemized list of expenditures and total costs per residence;
2. Summary total amount of costs per residence;
3. Copies of paid receipts and invoices, each marked with address of residence;
4. Copies of checks or payment records, each marked with matching invoice or receipt number;
5. Detailed map clearly marked with the addresses of each residence;
6. Dated photographs showing before, during, and after the construction of the waterline;
7. Low-income status verification for each residence;
8. Notarized/certified statement of quantifiable environmental benefit; and
9. Any additional documentation necessary to show compliance

Copies of receipts, checks with associated invoices, and other documentation to verify appropriate expenditures and the completion of the project must be submitted with the Final Report.

**C. Address**

Respondent shall submit all SEP reports and any requested additional information to the following address:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
PO Box 13087  
Austin, Texas 78711-31087

**4. Additional Information and Access**

Respondent shall provide additional information as required by TCEQ staff and shall allow access to all records related to the receipt and expenditure of the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

**5. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
PO Box 13087  
Austin, Texas 78711-3087

**6. Publicity**

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**7. Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>TCEQ</b>	<b>DATES</b>	<b>Assigned</b>	1-Jun-2010	<b>PCW</b>	5-Nov-2010	<b>Screening</b>	23-Jun-2010	<b>EPA Due</b>	
-------------	--------------	-----------------	------------	------------	------------	------------------	-------------	----------------	--

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Zapata County		
<b>Reg. Ent. Ref. No.</b>	RN102078391		
<b>Facility/Site Region</b>	16-Laredo	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	40725	<b>No. of Violations</b>	9
<b>Docket No.</b>	2010-1950-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Heather Brister
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>		<b>Subtotal 1</b>	\$42,800
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
<b>Compliance History</b>	70.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$29,960
<b>Notes</b>	Enhancement for 10 months of self-reported effluent violations and four NOV's for same/similar violations.		
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b>	\$0
<b>Notes</b>	The Respondent does not meet the culpability criteria.		
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b>	\$6,250
<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$2,920		
Approx. Cost of Compliance	\$35,875	*Capped at the Total EB \$ Amount	
<b>SUM OF SUBTOTALS 1-7</b>		<b>Final Subtotal</b>	\$66,510
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		0.0%	<b>Adjustment</b>
Reduces or enhances the Final Subtotal by the indicated percentage.			
<b>Notes</b>			
<b>Final Penalty Amount</b>			\$66,510
<b>STATUTORY LIMIT ADJUSTMENT</b>			<b>Final Assessed Penalty</b>
			\$66,510
<b>DEFERRAL</b>		0.0% Reduction	<b>Adjustment</b>
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			
<b>Notes</b>	No deferral is recommended for Findings Orders.		
<b>PAYABLE PENALTY</b>			\$66,510

Screening Date 23-Jun-2010

Docket No. 2010-1950-MWD-E

PCW

Respondent Zapata County

Policy Revision 2 (September 2002)

Case ID No. 40725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078391

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	14	70%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 70%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for 10 months of self-reported effluent violations and four NOVs for same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 70%

Screening Date 23-Jun-2010

Docket No. 2010-1950-MWD-E

PCW

Respondent Zapata County

Policy Revision 2 (September 2002)

Case ID No. 40725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078391

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010462001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on March 31, 2010. See attached table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen ("NH<sub>3</sub>N") and 5-day carbonaceous biochemical oxygen demand ("CBOD<sub>5</sub>") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids ("TSS") and dissolved oxygen were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 3

122 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

Notes

(mark with x)

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,000

Violation Final Penalty Total \$5,100

This violation Final Assessed Penalty (adjusted for limits) \$5,100

# Economic Benefit Worksheet

Respondent: Zapata County  
 Case ID No: 40725  
 Reg. Ent. Reference No: RN102078391  
 Media: Water Quality  
 Violation No: 1

Percent Interest: 5.0  
 Years of Depreciation: 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description: No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Jul-2009	31-Jul-2011	2.00	\$1,000	n/a	\$1,000

Notes for DELAYED costs

Estimated cost to determine the cause of non-compliance and to make necessary adjustments to achieve compliance with the permitted effluent limits. Date required is the initial month of noncompliance. Final date is the anticipated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,000

Screening Date 23-Jun-2010

Docket No. 2010-1950-MWD-E

PCW

Respondent Zapata County

Policy Revision 2 (September 2002)

Case ID No. 40725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078391

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010462001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on March 31, 2010. See attached table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate the NH<sub>3</sub>N to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. TSS were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

28 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One monthly event is recommended for February 2010.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,250

This violation Final Assessed Penalty (adjusted for limits) \$4,250

# Economic Benefit Worksheet

Respondent: Zapata County  
 Case ID No: 40725  
 Reg. Ent. Reference No: RN102078391  
 Media: Water Quality  
 Violation No: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 23-Jun-2010  
Respondent Zapata County  
Case ID No. 40725  
Reg. Ent. Reference No. RN102078391  
Media [Statute] Water Quality  
Enf. Coordinator Heather Brister  
Violation Number 3  
Rule Cite(s)

Docket No. 2010-1950-MWD-E

PCW

Policy Revision 2 (September 2002)  
PCW Revision October 30, 2008

30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010462001,  
Sludge Provisions

Violation Description

Failed to timely submit the annual sludge report for the monitoring period ending  
July 31, 2009 by September 1, 2009, as documented during an investigation  
conducted on March 31, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix  
Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

70 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for  
this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$170

This violation Final Assessed Penalty (adjusted for limits) \$170



# Economic Benefit Worksheet

**Respondent:** Zapata County  
**Case ID No.:** 40725  
**Req. Ent. Reference No.:** RN102078391  
**Media:** Water Quality  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Item Description:</b> No commas or \$						

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	31-Mar-2010	31-Jul-2011	1.33	\$17	n/a	\$17
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	31-Mar-2010	2-Apr-2010	0.01	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the annual sludge report to the TCEQ and to update operational guidance and conduct employee training to ensure that the annual sludge report is submitted by September 1 of every year. Date required is the investigation date. Final dates are the date the annual sludge report was submitted and the anticipated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$275

**TOTAL**

\$17



Screening Date 23-Jun-2010

Docket No. 2010-1950-MWD-E

PCW

Respondent Zapata County

Policy Revision 2 (September 2002)

Case ID No. 40725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078391

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0010462001, Operational Requirements No. 4

## Violation Description

Failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, as documented during an investigation conducted on March 31, 2010.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 4

114 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

Four monthly events are recommended from the date of the investigation (March 31, 2010) to the date of screening (July 23, 2010).

## Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary

Ordinary

N/A

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$1,401

Violation Final Penalty Total \$17,000

This violation Final Assessed Penalty (adjusted for limits) \$17,000

# Economic Benefit Worksheet

**Respondent:** Zapata County  
**Case ID No.:** 40725  
**Reg. Ent. Reference No.:** RN102078391  
**Media:** Water Quality  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment	\$15,000	31-Mar-2010	31-Jul-2011	1.33	\$67	\$1,334	\$1,401
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain adequate safeguards at the Facility to prevent unauthorized discharges during electrical power failures. Date required is the date the violation was documented and final date is the expected date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

TOTAL

\$1,401

Screening Date 23-Jun-2010

Docket No. 2010-1950-MWD-E

PCW

Respondent Zapata County

Policy Revision 2 (September 2002)

Case ID No. 40725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078391

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 319.7(a)

Violation Description

Failed to properly complete chain-of-custody forms ("COCs"), as documented during an investigation conducted on March 31, 2010. Specifically, the identification of the person collecting effluent samples during March and April 2010 was missing from the COC.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

At least 90% of the rule requirement was met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 2

70 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$200

Two single events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$200

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$340

This violation Final Assessed Penalty (adjusted for limits) \$340

# Economic Benefit Worksheet

**Respondent:** Zapata County  
**Case ID No.:** 40725  
**Reg. Ent. Reference No.:** RN102078391  
**Media:** Water Quality  
**Violation No.:** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	31-Mar-2010	31-Jul-2011	1.33	\$17	n/a	\$17
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that COC forms are completed properly. Date required is the investigation date. Final date is the anticipated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

**TOTAL**

\$17

Screening Date 23-Jun-2010

Docket No. 2010-1950-MWD-E

PCW

Respondent Zapata County

Policy Revision 2 (September 2002)

Case ID No. 40725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078391

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010462001, Monitoring and Reporting Requirements No. 7.a.

Violation Description

Failed to report an unauthorized discharge to the TCEQ within 24 hours (either orally or by fax) and within five days (written report) of the discharge occurrence, as documented during an investigation that occurred on March 31, 2010. Specifically, an unauthorized discharge occurred on March 23, 2010, and was not reported to the TCEQ.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$123

Violation Final Penalty Total \$1,700

This violation Final Assessed Penalty (adjusted for limits) \$1,700

# Economic Benefit Worksheet

Respondent: Zapata County  
 Case ID No: 40725  
 Reg. Ent. Reference No: RN102078391  
 Media: Water Quality  
 Violation No: 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	28-Mar-2010	31-Jul-2011	1.34	\$17	n/a	\$17
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct a training session on reporting requirements. Date required is the date the noncompliance notifications were due. Final date is the anticipated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$100	28-Mar-2010	23-Jun-2010	1.16	\$6	\$100	\$106

Notes for AVOIDED costs

Estimated avoided cost for failing to submit a noncompliance notification to the TCEQ by fax or phone within 24 hours of becoming aware of the noncompliance. Date required is the date the first noncompliance notification was due. Final date is the screening date.

Approx. Cost of Compliance

\$350

TOTAL

\$123

Screening Date 23-Jun-2010  
Respondent Zapata County  
Case ID No. 40725  
Reg. Ent. Reference No. RN102078391  
Media [Statute] Water Quality  
Enf. Coordinator Heather Brister  
Violation Number 7  
Rule Cite(s)

Docket No. 2010-1950-MWD-E

PCW

Policy Revision 2 (September 2002)  
PCW Revision October 30, 2008

Violation Description

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (5), and  
TPDES Permit No. WQ0010462001, Permit Conditions No. 2.d.

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, resulting in a discharge of partially treated wastewater to water in the state. Specifically, during the investigation conducted on March 31, 2010, the wells in Clarifier Nos. 1 and 2 were not level causing uneven flow through the clarifiers. Floating sludge deposits mixed with floating solids and grease floc were present within the chlorine contact chamber. Sludge deposits between 18-24 inches in depth were observed in the receiving stream.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix  
Notes

Human health and the environment has been exposed to significant amounts of pollutants as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

2

35 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two monthly events are recommended from the date of the investigation (March 31, 2010) to the date of compliance (May 5, 2010).

Good Faith Efforts to Comply

25.0%

Reduction

\$1,250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent achieved compliance on May 5, 2010.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$7,250

This violation Final Assessed Penalty (adjusted for limits) \$7,250

# Economic Benefit Worksheet

Respondent: Zapata County  
 Case ID No: 40725  
 Reg. Ent. Reference No.: RN102078391  
 Media: Water Quality  
 Violation No.: 7

Percent Interest: 5.0  
 Years of Depreciation: 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,500	31-Mar-2010	5-May-2010	0.10	\$17	n/a	\$17

Notes for DELAYED costs

Estimated cost to repair the weirs in Clarifiers Nos. 1 and 2, clean the chlorine contact chamber, and remove and dispose of all solids from the receiving stream. Date required is the investigation date. Final date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$17



Screening Date 23-Jun-2010

Docket No. 2010-1950-MWD-E

PCW

Respondent Zapata County

Policy Revision 2 (September 2002)

Case ID No. 40725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078391

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 317.7(e)(5), and TPDES Permit No. WQ0010462001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the collection system as documented during an investigation conducted on March 31, 2010. Specifically, Lift Station Nos. 10, 13, 17, and 19 high level alarms were not working. In addition, the telemetry equipment was not connected in Lift Station No. 17.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would exceed levels that are protective to human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

8

35

Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$20,000

Eight monthly events are recommended (two months per lift station) from the investigation date (March 31, 2010) to the date of compliance (May 5, 2010).

## Good Faith Efforts to Comply

25.0%

Reduction

\$5,000

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

(mark with x)

Notes

The Respondent achieved compliance on May 5, 2010.

Violation Subtotal \$15,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$29,000

This violation Final Assessed Penalty (adjusted for limits) \$29,000

# Economic Benefit Worksheet

Respondent: Zapata County  
 Case ID No.: 40725  
 Reg. Ent. Reference No.: RN102078391  
 Media: Water Quality  
 Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
 Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	31-Mar-2010	5-May-2010	0.10	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to repair the high-level alarms and to connect the telemetry equipment. Date required is the investigation date. Final date is the date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$7

Screening Date 23-Jun-2010

Docket No. 2010-1950-MWD-E

PCW

Respondent Zapata County

Policy Revision 2 (September 2002)

Case ID No. 40725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078391

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 9

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (4), and  
TPDES Permit No. WQ0010462001, Permit Conditions No. 2.g.

Violation Description

Failed to prevent an unauthorized discharge of wastewater into or adjacent to water in the state, as documented during an investigation conducted on March 31, 2010. Specifically, on March 23, 2010, approximately 800 gallons of wastewater was discharged from a manhole located on 19th Street and Mier Street in Medina Subdivision, which flowed into an unnamed creek.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			x
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

92 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the date of the unauthorized discharge (March 23, 2010) to the screening date (June 23, 2010).

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$339

Violation Final Penalty Total \$1,700

This violation Final Assessed Penalty (adjusted for limits) \$1,700

# Economic Benefit Worksheet

Respondent: Zapata County

Case ID No. 40725

Req. Ent. Reference No. RN102078391

Media: Water Quality

Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	23-Mar-2010	31-Jul-2011	1.36	\$339	n/a	\$339
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clean and disinfect the affected areas and to make necessary repairs. Date required is the date of the unauthorized discharge. Final date is the anticipated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$339

# EFFLUENT VIOLATION TABLE

Zapata County  
TPDES Permit No. WQ0010462001

Docket No. 2010-1950-MWD-E

Monitoring Period End Date

Permitted Effluent Limits	July 2009	September 2009	November 2009	February 2010	March 2010
5-Day Carbonaceous Biochemical Oxygen Demand Daily Average Concentration 5 Milligrams per Liter	c	6.10	c	c	c
5-Day Carbonaceous Biochemical Oxygen Demand Daily Average Loading 33 Pounds per Day	c	33.51	c	c	c
Ammonia Nitrogen Daily Average Concentration 2 Milligrams per Liter	c	c	c	6.61	5.29
Ammonia Nitrogen Daily Average Loading 13 Pounds per Day	c	c	24.63	29.55	24.89
Ammonia Nitrogen Daily Maximum Concentration 10 Milligrams per Liter	c	c	11.21	13.50	16.20
Total Suspended Solids Daily Average Concentration 15 Milligrams per Liter	c	c	24.30	41.65	27.70
Total Suspended Solids Daily Average Loading 100 Pounds per Day	c	c	141.75	189.83	142.71
Total Suspended Solids Daily Maximum Concentration 40 Milligrams per Liter	48.00	c	c	73.00	58.00
**Ammonia Nitrogen Grab Sample 15 Milligrams per Liter	n/a	n/a	n/a	n/a	21.50
***Dissolved Oxygen Minimum Concentration 6.0 Milligrams per Liter	n/a	n/a	n/a	n/a	5.60

c = compliant  
n/a = not applicable

\*\* Grab Samples collected during investigation conducted on March 30, 2010

\*\*\* Grab Samples collected during investigation conducted on March 31, 2010



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	18-Oct-2010	<b>Screening</b>	5-Nov-2010	<b>EPA Due</b>	
	<b>PCW</b>	5-Nov-2010				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Zapata County		
<b>Reg. Ent. Ref. No.</b>	RN102078391		
<b>Facility/Site Region</b>	16-Laredo	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	40725	<b>No. of Violations</b>	2
<b>Docket No.</b>	2010-1950-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Heather Brister
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>		\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$5,000
---	-------------------	---------

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	67.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$3,350
---------------------------	-------------------	--------------------------------	---------

**Notes** Enhancement for 10 months of self-reported effluent violations, three NOVs for same/similar violations, and one NOV for dissimilar violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------------------	-------------------	-----

**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts \$854  
Approx. Cost of Compliance \$10,450  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,350
-----------------------------	-----------------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$8,350

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,350
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
-----------------	----------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$8,350
------------------------	---------

Screening Date 5-Nov-2010

Docket No. 2010-1950-MWD-E

PCW

Respondent Zapata County

Policy Revision 2 (September 2002)

Case ID No. 40725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078391

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	13	65%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 67%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for 10 months of self-reported effluent violations, three NOVs for same/similar violations; and one NOV for dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 67%



Screening Date 5-Nov-2010

Docket No. 2010-1950-MWD-E

PCW

Respondent Zapata County

Policy Revision 2 (September 2002)

Case ID No. 40725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078391

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (4), and TPDES Permit No. WQ0010462001, Permit Conditions No. 2.g.

## Violation Description

Failed to prevent an unauthorized discharge of wastewater into or adjacent to water in the state, as documented during an investigation conducted on August 5, 2010. Specifically, on April 29, 2010 and July 6, 2010, unknown amounts of wastewater were discharged from a manhole located at the terminal end between 3rd street and 4th street, one block south of Bandera Avenue near Lift Station No. 13, which flowed into an unnamed creek.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 3

190

Number of Violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended from the first unauthorized discharge date (April 29, 2010) to the screening date (November 5, 2010).

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$627

Violation Final Penalty Total \$5,010

This violation Final Assessed Penalty (adjusted for limits) \$5,010



# Economic Benefit Worksheet

Respondent Zapata County  
Case ID No. 40725  
Reg. Ent. Reference No. RN102078391  
Media Water Quality  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$10,000	29-Apr-2010	31-Jul-2011	1.25	\$627	n/a	\$627
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to clean and disinfect the affected areas and to make necessary repairs. Date required is the date of the first unauthorized discharge. Final date is the anticipated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$627

Screening Date 5-Nov-2010

Docket No. 2010-1950-MWD-E

PCW

Respondent Zapata County

Policy Revision 2 (September 2002)

Case ID No. 40725

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102078391

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010462001, Monitoring and Reporting Requirements No. 7.a.

Violation Description

Failed to report an unauthorized discharge to the TCEQ within 24 hours (either orally or by fax) and within five days (written report) of the discharge occurrence, as documented during an investigation conducted on August 5, 2010. Specifically, unauthorized discharges occurred on April 29, 2010, and on July 6, 2010, and were not reported to the TCEQ.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,000

Two single events are recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$226

Violation Final Penalty Total \$3,340

This violation Final Assessed Penalty (adjusted for limits) \$3,340

# Economic Benefit Worksheet

**Respondent** Zapata County  
**Case ID No.** 40725  
**Reg. Ent. Reference No.** RN102078391  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	4-May-2010	31-Jul-2011	1.24	\$16	n/a	\$16
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct a training session on reporting requirements. Date required is the date the first noncompliance notification was due. Final date is the anticipated date of compliance.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$200	4-May-2010	7-Jul-2010	1.09	\$11	\$200	\$211

Notes for AVOIDED costs

Estimated avoided cost for failing to submit a noncompliance notification to the TCEQ by fax or phone within 24 hours of becoming aware of the noncompliance (\$100 per event). Date required is the date the first noncompliance notification was due. Final date is the date the second noncompliance notification was due.

Approx. Cost of Compliance

\$450

TOTAL

\$226

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600334429	Zapata County	Classification: AVERAGE	Rating: 1.82
Regulated Entity:	RN102078391	ZAPATA COUNTY WATER WORKS WWTP	Classification: AVERAGE	Site Rating: 0.83

ID Number(s):	WASTEWATER	PERMIT	WQ0010462001
	WASTEWATER	EPA ID	TX0070211
	WASTEWATER LICENSING	LICENSE	WQ0010462001

Location: Located approximately 0.5 mile east of United States Highway 83 on Third Avenue in Zapata, Zapata County, Texas.

TCEQ Region: REGION 16 - LAREDO  
 Date Compliance History Prepared: December 16, 2010  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: December 16, 2005 to December 16, 2010  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Heather Brister Phone: (254) 761-3034

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period?       | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | No  |
| 3. If Yes, who is the current owner/operator?  | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s)?  | N/A |
| 5. When did the change(s) in owner or operator occur?  | N/A |
| 6. Rating Date: 9/1/2010 Repeat Violator:  | NO  |

## Components (Multimedia) for the Site :

- |   |     |
|---|-----|
| A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. | N/A |
| B. Any criminal convictions of the state of Texas and the federal government.                                       | N/A |
| C. Chronic excessive emissions events.  | N/A |
| D. The approval dates of investigations. (CCEDS Inv. Track. No.)  |     |

1	05/30/2006	(464444)
2	03/02/2006	(474861)
3	04/05/2006	(474862)
4	12/20/2005	(474865)
5	01/19/2006	(474866)
6	04/27/2006	(502542)
7	05/18/2006	(502543)
8	06/19/2006	(502544)
9	07/03/2006	(502545)
10	06/16/2006	(502546)
11	07/27/2006	(524865)
12	12/13/2006	(533742)
13	03/05/2007	(583957)
14	03/22/2007	(583958)
15	04/13/2007	(583959)
16	05/25/2007	(583960)
17	06/15/2007	(583961)
18	07/18/2007	(583962)
19	10/27/2006	(583963)
20	11/16/2006	(583964)
21	12/22/2006	(583965)
22	01/22/2007	(583966)
23	08/22/2007	(604110)
24	09/28/2007	(604111)
25	11/30/2007	(608669)
26	11/08/2007	(623022)
27	12/13/2007	(623023)
28	03/18/2008	(674441)
29	01/10/2008	(674442)
30	01/10/2008	(674443)
31	04/14/2008	(692782)
32	04/23/2008	(692783)
33	05/28/2008	(692784)
34	07/09/2008	(713936)

35	07/30/2008	(713937)
36	08/25/2008	(713938)
37	10/06/2008	(729925)
38	10/31/2008	(729926)
39	12/02/2008	(729927)
40	12/19/2008	(729928)
41	03/12/2009	(753158)
42	03/25/2009	(753159)
43	02/11/2009	(753160)
44	03/18/2010	(811895)
45	05/06/2009	(811896)
46	05/29/2009	(811897)
47	07/09/2009	(811898)
48	07/23/2009	(811899)
49	04/07/2009	(811900)
50	04/07/2010	(811901)
51	11/17/2009	(811902)
52	11/20/2009	(811903)
53	01/11/2010	(811904)
54	01/22/2010	(811905)
55	04/07/2010	(833366)
56	07/02/2010	(845259)
57	07/02/2010	(845260)
58	06/23/2010	(847047)
59	07/22/2010	(867821)
60	08/20/2010	(867822)
61	09/24/2010	(874779)
62	11/15/2010	(882368)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	05/30/2006	(464444)	CN600334429	
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C)			
Description:	Failure to submit annual sludge reports as required by permit.			
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(d)			
Description:	Failure to properly operate and maintain clarifiers.			
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet effluent permit limit for Dissolved Oxygen (D.O.).			
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(b)			
Description:	Failure to properly store samples prior to analysis.			
Date:	10/10/2006	(515412)	CN600334429	
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(d)			
Description:	Failure to properly operate and maintain clarifiers.			
Self Report?	NO			Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet effluent permit limit for Dissolved Oxygen (D.O.).			
Self Report?	NO			Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet effluent limitations for Total Suspended Solids (TSS).			
Self Report?	NO			Classification: Minor
Citation:	Operational Requirements. Item 10 PERMIT			
Description:	Failure to maintain a removal rate of 85% Total Suspended Solids (TSS).			

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements. Item 8. PERMIT		
Description:	Failure to initiate engineering and financial planning for the expansion/upgrading of the WWTF or collection facilities when 75% of the daily average flow is reached for three (3) consecutive months.		

Self Report?	NO	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(c)		
Description:	Failure to prevent an unauthorized discharge from the sludge return pumps.		

Date:	05/31/2007	(583961)	CN600334429
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		

Date:	06/30/2007	(583962)	CN600334429
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		

Date:	11/30/2007	(608669)	CN600334429
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(g) Operational Requirements, 1. (Page 9) PERMIT		
Description:	Failure to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.		

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(d)		
Description:	Failure to properly maintain clarifiers No.1 and No.2.		

Date:	02/05/2009	(726274)	CN600334429
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(4) Permit Conditions 2g PERMIT TWC Chapter 26 26.121		
Description:	Failure to prevent unauthorized discharges which have a reasonable likelihood of adversely affecting human health or the environment.		

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(9) Monitoring and Reporting Requirements 7 PERMIT		
Description:	Failure to report any noncompliance to the executive director which may endanger human health or safety, or the environment.		

Date:	07/31/2009	(811900)	CN600334429
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date:	09/30/2009	(811902)	CN600334429
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date:	11/30/2009	(811904)	CN600334429
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date:	02/28/2010	(833366)	CN600334429
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date:	03/31/2010	(845259)	CN600334429
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date:	04/30/2010	(845260)	CN600334429
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date:	05/31/2010	(847047)	CN600334429
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

Date:	06/30/2010	(867821)	CN600334429
Self Report?	YES		Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

- |    |   |     |
|----|---|-----|
| F. | Environmental audits.                                     | N/A |
| G. | Type of environmental management systems (EMSs).          | N/A |
| H. | Voluntary on-site compliance assessment dates.            | N/A |
| I. | Participation in a voluntary pollution reduction program. | N/A |
| J. | Early compliance.   | N/A |

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
ZAPATA COUNTY  
RN102078391

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2010-1950-MWD-E

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Zapata County ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located approximately 0.5 mile east of United States Highway 83 on Third Avenue in Zapata, Zapata County, Texas (the "Facility").



2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation conducted on March 31, 2010, TCEQ staff documented the following effluent values based on the self-reported discharge monitoring reports ("DMRs"):

EFFLUENT VIOLATION TABLE					
Monitoring Period End Date:					
Permitted Effluent Limits	July 2009	September 2009	November 2009	February 2010	March 2010
5-Day Carbonaceous Biochemical Oxygen Demand Daily Average Concentration 5 Milligrams per Liter	0	6.10	0	0	0
5-Day Carbonaceous Biochemical Oxygen Demand Daily Average Loading 33 Pounds per Day	0	33.51	0	0	0
Ammonia Nitrogen Daily Average Concentration 2 Milligrams per Liter	0	0	0	6.61	5.29
Ammonia Nitrogen Daily Average Loading 13 Pounds per Day	0	0	24.63	29.55	24.89
Ammonia Nitrogen Daily Maximum Concentration 10 Milligrams per Liter	0	0	11.21	13.50	16.20
Total Suspended Solids Daily Average Concentration 15 Milligrams per Liter	0	0	24.30	41.65	27.70
Total Suspended Solids Daily Average Loading 100 Pounds per Day	0	0	141.75	189.83	142.71
Total Suspended Solids Daily Maximum Concentration 40 Milligrams per Liter	48.00	0	0	73.00	58.00
**Ammonia Nitrogen Grab Sample 15 Milligrams per Liter	n/a	n/a	n/a	n/a	21.50
***Dissolved Oxygen Minimum Concentration 6.0 Milligrams per Liter	n/a	n/a	n/a	n/a	5.60
0 = compliant n/a = not applicable ** Grab Samples collected during investigation conducted on March 30, 2010 *** Grab Samples collected during investigation conducted on March 31, 2010					

4. During an investigation conducted on March 31, 2010, TCEQ staff documented that the annual sludge report for the monitoring period ending July 31, 2009 had not been submitted by September 1, 2009.
5. During an investigation conducted on March 31, 2010, TCEQ staff documented that the Respondent did not have a functioning generator to power the Facility.
6. During an investigation conducted on March 31, 2010, TCEQ staff documented that the Respondent had not properly completed the chain of custody forms ("COCs"). Specifically, the identification of the person collecting effluent samples during March and April 2010 was missing from the COC.
7. During an investigation conducted on March 31, 2010, TCEQ staff documented that an unauthorized discharge had occurred on March 23, 2010, and was not reported to the TCEQ.
8. During an investigation conducted on March 31, 2010, TCEQ staff documented that the weirs in Clarifier Nos. 1 and 2 were not level causing uneven flow through the clarifiers. Floating sludge deposits mixed with floating solids and grease floc were present within the chlorine contact chamber. Sludge deposits between 18-24 inches in depth were observed in the receiving stream.
9. During an investigation conducted on March 31, 2010, TCEQ staff documented that Lift Station Nos. 10, 13, 17, and 19 high level alarms were not working. In addition, the telemetry equipment was not connected in Lift Station No. 17.
10. During an investigation conducted on March 31, 2010, TCEQ staff documented that on March 23, 2010, approximately 800 gallons of wastewater was discharged from a manhole located on 19th Street and Mier Street in the Medina Subdivision, which flowed into an unnamed creek.
11. During an investigation conducted on August 5, 2010, TCEQ staff documented that on April 29, 2010 and July 6, 2010, unknown amounts of wastewater were discharged from a manhole located at the terminal end between 3rd street and 4th street, one block south of Bandera Avenue near Lift Station No. 13, which flowed into an unnamed creek.
12. During an investigation conducted on August 5, 2010, TCEQ staff documented that two unauthorized discharges had occurred on April 29, 2010 and July 6, 2010, and were not reported to the TCEQ.
13. The Respondent received notices of the violations on June 1, 2010 and October 20, 2010.
14. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. By April 2, 2010, submitted the annual sludge report for the monitoring period ending July 31, 2009; and

- b. By May 5, 2010:
  - i. Repaired all non-functioning alarms on Lift Station Nos. 10, 13, 17, and 19;
  - ii. Repaired the weirs in Clarifier Nos. 1 and 2;
  - iii. Cleaned the chlorine contact chamber;
  - iv. Removed and properly disposed of sludge from the receiving stream;
  - v. Submitted corrected COCs to the TCEQ Laredo Regional Office; and
  - vi. Submitted noncompliance notifications for the two unauthorized discharges that occurred on March 23, 2010.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010462001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009 by September 1, 2009, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010462001, Sludge Provisions.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0010462001, Operational Requirements No. 4.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to properly complete COCs, in violation of 30 TEX. ADMIN. CODE § 319.7(a).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to report unauthorized discharges to the TCEQ within 24 hours (either orally or by fax) and within five days (written report) of the occurrence, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010462001, Monitoring and Reporting Requirements No. 7.a.

7. As evidenced by Findings of Fact No. 8, the Respondent failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, resulting in discharge of partially treated wastewater to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0010462001, Permit Conditions No. 2.d.
8. As evidenced by Findings of Fact No. 9, the Respondent failed to properly operate and maintain the collection system, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.7(e)(5), and TPDES Permit No. WQ0010462001, Operational Requirements No. 1.
9. As evidenced by Findings of Fact No. 10, the Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0010462001, Permit Conditions No. 2.g.
10. As evidenced by Findings of Fact No. 11, the Respondent failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (4), and TPDES Permit No. WQ0010462001, Permit Conditions No. 2.g.
11. As evidenced by Findings of Fact No. 12, the Respondent failed to report unauthorized discharges to the TCEQ within 24 hours (either orally or by fax) and within five days (written report) of the occurrence, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and TPDES Permit No. WQ0010462001, Monitoring and Reporting Requirements No. 7.a.
12. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
13. An administrative penalty in the amount of Seventy-Four Thousand Eight Hundred Sixty Dollars (\$74,860) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Seventy-Four Thousand Eight Hundred Sixty Dollar (\$74,860) shall be conditionally offset by the Respondent's completion of the Supplemental Environmental Project ("SEP").

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seventy-Four Thousand Eight Hundred Sixty Dollars (\$74,860) as set forth in Section II, Paragraph 13 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and

administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Zapata County, Docket No. 2010-1950-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete the SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 13 above, Seventy-Four Thousand Eight Hundred Sixty Dollars (\$74,860) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Remove and properly dispose of the grease and sewer debris around the manhole and the adjacent stream located on 19<sup>th</sup> Street and Mier Street and located between 3<sup>rd</sup> Street and 4<sup>th</sup> Street one block south of Bandera Avenue, near Lift Station No. 13; and
    - ii. Update the Facility's operational guidance and conduct employee training to ensure timely submittal of signed and certified annual sludge reports and noncompliance reports, and all COCs are properly completed, in accordance with TPDES Permit No. WQ0014062001 and 30 TEX. ADMIN. CODE § 319.7(a).
  - b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision Nos. 3.a.i and 3.a.ii, in accordance with Ordering Provision No. 3.e, below;
  - c. Within 90 days after the effective date of this Agreed Order:
    - i. Provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures in accordance with TPDES Permit No. WQ00100462001, Operational Requirements No. 4; and

- ii. Submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010462001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitation.
- d. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.c.i, in accordance with Ordering Provision No. 3.e below;
- e. The certification of compliance required by Ordering Provision Nos. 3.b, 3.c.ii, and 3.d, shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Laredo Regional Office  
Texas Commission on Environmental Quality  
707 East Calton Road, Suite 304  
Laredo, Texas 78041-3887

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

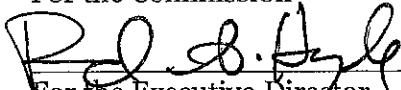
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

11/9/11  
\_\_\_\_\_  
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of Zapata County. I am authorized to agree to the attached Agreed Order on behalf of Zapata County, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Zapata County waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

6/10/2011  
\_\_\_\_\_  
Date

Joe Rathmell  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Zapata County

County Judge  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

**Attachment A**  
**Docket Number: 2010-1950-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Zapata County
<b>Penalty Amount:</b>	Seventy-Four Thousand Eight Hundred Sixty Dollars (\$74,860)
<b>SEP Offset Amount:</b>	Seventy-Four Thousand Eight Hundred Sixty Dollars (\$74,860)
<b>Type of SEP:</b>	Custom
<b>Project Name:</b>	<i>Pedernales Road Water Line Project</i>
<b>Location of SEP:</b>	Zapata County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

Respondent shall install water lines and provide first-time water service to approximately five low-income residences located in the Falcon Rural Water Supply Corporation area on Pedernales Road in Zapata County (the "Project"). The Project will begin at the intersection of Highway 83 and Pedernales Road and proceed east for 5 miles on Pedernales Road. The SEP Offset Amount will be used to purchase materials, supplies, and equipment necessary to complete the Project and for the testing and service connection fees for each of the residences. Zapata County will provide, at its own cost, the construction labor. Falcon Rural Water Supply Corporation is not under an enforcement action, and the proposed water line is not within the Zapata County Waterworks CCN.

The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations. Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to do this project and that it is being done solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

The SEP will provide a discernable environmental benefit by providing residences in the Falcon Rural Water Supply Corporation with a source for potable water. Some residents are relying on well-water with high levels of salinity, and other residents must haul water from town in storage tanks.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete this Project.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

**3. Records and Reporting**

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions taken to begin the project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made on the project during the previous 60-day period and setting forth a schedule for achieving completion of the project within the time-frame required in Section 2, *Performance Schedule*, above. Thereafter, Respondent shall submit progress reports to the TCEQ in the following increments and containing detailed information as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions taken during previous 60-day period to implement the project
180	Actions taken during previous 90-day period to implement the project
270	Actions taken during previous 90-day period to implement the project
365	Notice of SEP completion

B. Final Report

Within 60 days after completion of SEP, and not later than 425 days after the effective date of the Agreed Order, Respondent shall submit a Final Report to the TCEQ, which included:

1. Itemized list of expenditures and total costs per residence;
2. Summary total amount of costs per residence;
3. Copies of paid receipts and invoices, each marked with address of residence;
4. Copies of checks or payment records, each marked with matching invoice or receipt number;
5. Detailed map clearly marked with the addresses of each residence;
6. Dated photographs showing before, during, and after the construction of the waterline;
7. Low-income status verification for each residence;
8. Notarized/certified statement of quantifiable environmental benefit; and
9. Any additional documentation necessary to show compliance

Copies of receipts, checks with associated invoices, and other documentation to verify appropriate expenditures and the completion of the project must be submitted with the Final Report.

**C. Address**

Respondent shall submit all SEP reports and any requested additional information to the following address:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
PO Box 13087  
Austin, Texas 78711-31087

**4. Additional Information and Access**

Respondent shall provide additional information as required by TCEQ staff and shall allow access to all records related to the receipt and expenditure of the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

**5. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to complete the project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and shall include on the check the docket number of this Agreed Order and note that it is for reimbursement of a SEP. Respondent shall make the check payable to "Texas Commission on Environmental Quality" and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
PO Box 13087  
Austin, Texas 78711-3087

**6. Publicity**

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**7. Clean Texas Program**

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

